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8 Attorneys for Plaintiffs,
9 SONY BMG MUSIC ENTERTAINMENT;
10 ARISTA RECORDS LLC; UMG RECORDINGS,
11 INC.; BMG MUSIC; and WARNER BROS.
12 RECORDS INC.

13 UNITED STATES DISTRICT COURT
14 NORTHERN DISTRICT OF CALIFORNIA
15 SAN FRANCISCO DIVISION

16 SONY BMG MUSIC ENTERTAINMENT, a
17 Delaware general partnership; ARISTA
18 RECORDS LLC, a Delaware limited liability
19 company; UMG RECORDINGS, INC., a
20 Delaware corporation; BMG MUSIC, a New
21 York general partnership; and WARNER BROS.
22 RECORDS INC., a Delaware corporation,

23 Plaintiffs,

24 v.

25 ARMIVIA O. LOUIE AKA ARMIVIA
26 CAPOUNITAN, AKA IVY LOUIE, AKA
27 OCAPUNITAN IVY AKA O.C. IVY,

28 Defendant.

CASE NO. C 08-03146-JCS- MMC

~~HONORABLE JOSEPH C. SPERO~~

***EX PARTE APPLICATION TO CONTINUE
CASE MANAGEMENT CONFERENCE
AND [PROPOSED] ORDER***

1 Plaintiffs respectfully request that the Court continue the case management conference
2 currently set for October 17, 2008, at 10:30 a.m., to December 19, 2008. As further explained
3 below, Defendant Armivia O. Louie (“Defendant”) has not appeared in this action. Therefore, a case
4 management conference is unnecessary at this time.

5 1. Plaintiffs have not requested and the court has not ordered any previous continuances
6 of the case management conference in this matter.

7 2. Plaintiffs initially filed the Complaint in this matter against a John Doe defendant. In
8 order to discover the Doe defendant’s true identity, Plaintiffs also filed an *Ex Parte* Application for
9 Leave to Take Immediate Discovery seeking the Court’s permission to serve a Rule 45 subpoena on
10 Defendant’s Internet Service Provider (“ISP”), in this case the SBC Internet Services, Inc. Once the
11 court granted the discovery order, Plaintiffs then served a subpoena on the ISP, which thereafter
12 identified the Defendant, Armivia O. Ivy.

13 3. Once the ISP identified Defendant, Plaintiffs sent her a letter on February 26, 2008
14 notifying her of Plaintiffs’ claims and encouraging her to contact Plaintiffs and attempt to amicably
15 resolve this matter. Defendant did not respond to this letter. Accordingly, on July 1, 2008, Plaintiffs
16 filed the First Amended Complaint naming Ms. Louie individually as the Defendant.

17 4. Defendant was served with process on July 9, 2008, by substitute service. Defendant
18 has not answered or otherwise responded to the Complaint. Nevertheless, the parties have reached a
19 settlement agreement, and Plaintiffs are presently waiting for Defendant to sign and return the
20 settlement documents sent to her on September 23, 2008. If a settlement documents are returned by
21 October 18, 2008, Plaintiffs will file appropriate dispositional documents with the Court. If
22 Defendant does not return the documents, Plaintiffs will file a request for entry of clerk’s default if
23 Defendant does not respond to this action by October 27, 2008, or will continue litigating this matter
24 if Defendant does file a response.

25 5. Given the circumstances of this case, there is no need for a case management
26 conference at this time. Therefore, Plaintiffs respectfully request that the Court continue the case
27
28

management conference from October 17, 2008, at 10:30 a.m., to December 19, 2008, or such other date as conveniences the Court.

Dated: October 6, 2008

HOLME ROBERTS & OWEN LLP

By: /s/ Dawniell Alise Zavala
DAWNIELL ALISE ZAVALA
Attorney for Plaintiffs

[PROPOSED] ORDER

Good cause having been shown:

IT IS ORDERED that the case management conference currently set for October 17, 2008, at 10:30 a.m., be continued to ~~December 19, 2008~~. January 16, 2009, at 10:30 a.m.

Dated: October 10, 2008

By: Maxine M. Chesney
Honorable Maxine M. Chesney
United States District Judge